Transcript of the Testimony of

Kimberly Calkins

April 11, 2011

Singley v. Aacres Landing, Inc., et al.

No. C09-5443 RBL



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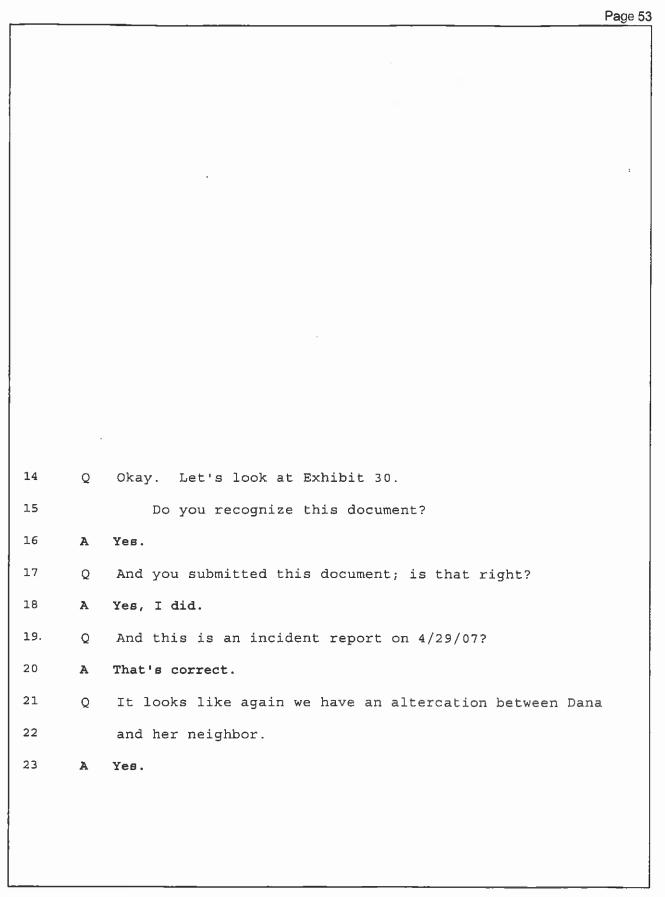
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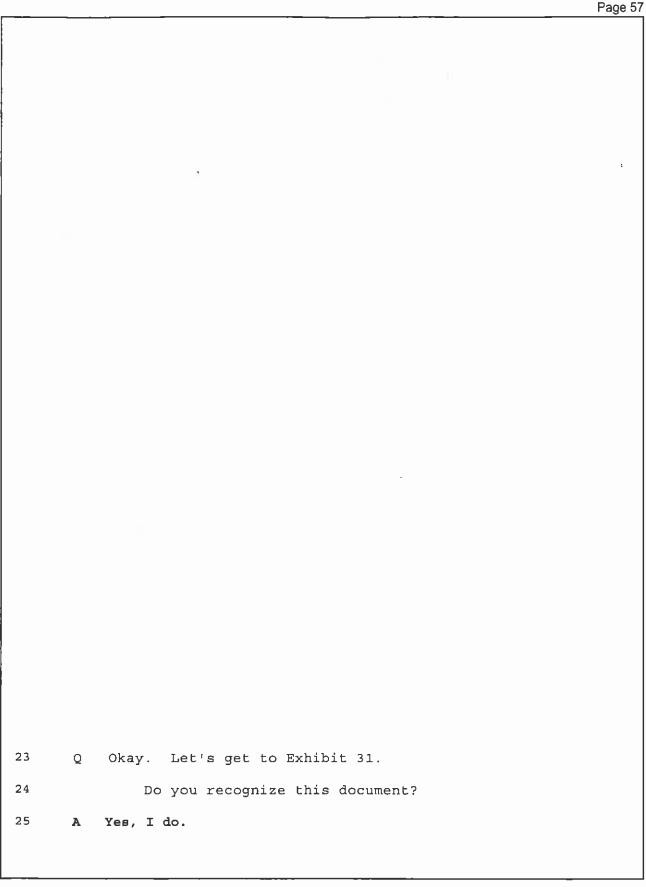
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2	Q	So during the time period of Dana Singley's services
3		being terminated, as I'm understanding the timeline, you
4		were the regional director at that time?
5	A	At that time.

14	Q	Okay. Having seen Exhibit 23 and Exhibit 24, have you
15		been able to recollect either of these incidents?
16	A	Distantly.
17	Q	Sure, I understand. It's been several years.
18	A	Yeah.
19	Q	From what you know about Dana's care during the period of
20		late 2006, the first six months of 2007, were these
21		incidents frequently recurring, these types of incidents,
22		the ones encapsulated in Exhibit 23 and Exhibit 24?
23	A	We could go back and look and see just without
24		trusting on my memory. I believe they happened
25		frequently, but we could also verify that with the

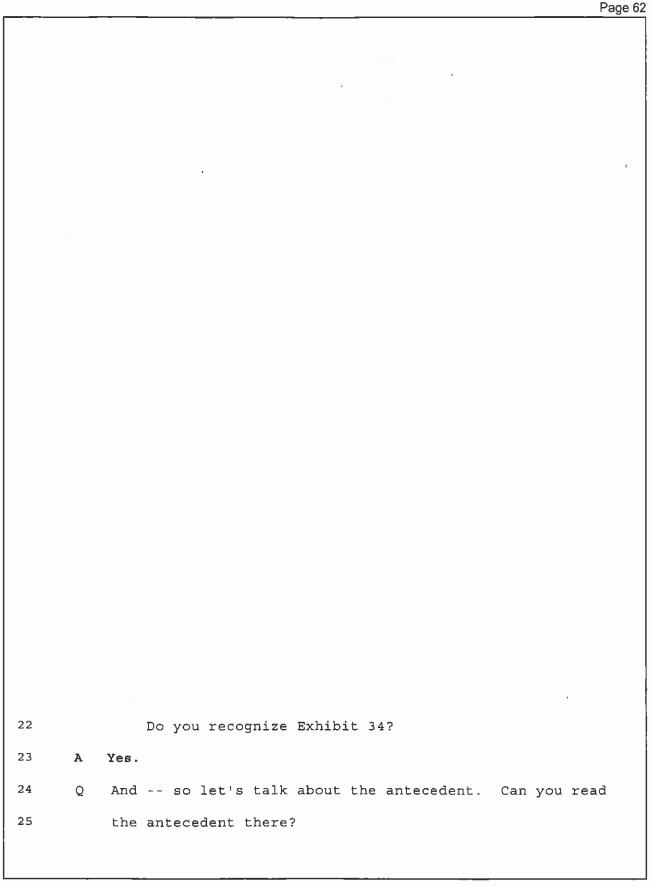
Page 30 1 incident reports.

Page 39 All right. The date on this incident was 1/17/07. It 11 looks like this one is involving sort of a fight or a 12 verbal exchange between Dana and her neighbor. 13 Is it your understanding that Dana and her neighbor 14 would consistently have these verbal altercations? 16 I seem to recollect a lot of verbal exchanges.





	1	Q	And this is an incident report submitted by Terri Moore
	2		on 6/13/07?
	3	A	Yes.
	4	Q	It looks like police were involved here.
	5	A	It would appear so.
	6	Q	Can you read for me the Administrative Response?
	7	A	"There were three staff on site when the incident
	8		occurred and all were attempting to coach the clients
	9		during the incident. Plans were followed and CRU was
	10		notified."
	11	Q	What's CRU stand for in that case?
	12	A	Complaint Resolution Unit.
	13	Q	Complaint what does that mean?
	14	A	That's a State agency.
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1	A	"Aacres had given DDD a 72-hour emergency notice of
2		circumstances endangering the health and safety of Dana
3		and the need to terminate our residential supports to her
4		as soon as possible. DDD informed us that they had made
5		contact with DDD crisis services to inform them of the
6		situation. Dana was also informed of this notice and was
7		upset."
8	Q	Were you notified of the notice of of this 72-hour
9		emergency notice of circumstances?
10	A	Yes, I was notified that we were giving it.
11	Q	Were you notified after it was given, or before? After
12		it was given to Dana, I guess, or Dana and Judy, I
13		suppose it would be?
14	A	I believe that I was notified I was notified before
15		they had given it to Dana.
16	Q	Was this in a in what context were you notified?
17		Meeting? Phone call?
18	A	The immediate details, I want to say that I talked with
19		Sandi individually about it, and that she had told me.
20		And actually, I think Rex had told me. Again, this was a
21		while ago. I was told that we were giving it.
22	Q	Were you told what the nature of the circumstances
23		endangering the health and safety of Dana, were you told
24		what those were?
25	A	I believe they did not review everything with me.

1		They were concerned about Dana accepting help and being
2		able to work with us, in that she was refusing to accept
3		
_		services, accept coaching.
4		As you read farther down the incident report, she
5		was being very verbally aggressive towards others,
6		threatening to kill them, including myself, which would
7		make it difficult for me to help her.
8	Q	Did she threaten you directly?
9	A	I wasn't there. She verbally told as it said, to the
10		staff and people around her.
11	Q	So she never told you face-to-face that she was going to
12		kill you?
13	A	At that time?
14	Q	Sure. At that time.
15	A	At that time.
16	Q	At any time? Has Dana ever told you that she was going
17		to kill you, in person?
18	A	I believe that her quote was "Die in hell, bitch." At
19		this time I mean, that's not the time she told me,
20		but
21	Q	Sure. So she was becoming more difficult. She was maybe
22		not accepting the as you say, there were concerns that
23		she was not accepting the help that was being provided.
24		So in your mind, what was it what was the nature
25		of the incident that prompted the decision to terminate

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1		the services?	
2		MR. LA PORTE: Objection.	
3	Q	(By Mr. Carson) You can answer.	
4		MR. BAUER: Join.	
5		THE WITNESS: I don't know if it was	
6		one incident or was becoming a pattern of her refusing to	
7		accept.	

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6	Q	(By Mr. Carson) How many times did you, roughly, have	an
7		opportunity to go to her home?	
8	A	I couldn't even tell you roughly how many times.	
9	Q	More than ten?	
10	A	Probably.	
11	Q	More than 20?	
12	A	You're talking about a long span of time. I've been	
13		there, I can tell you, probably definitely more than	
14		ten. Frequently, probably not, because Dana wouldn't	
15		allow me in.	
16	Q	So let's talk about just in the time period between	
17		you know, all these exhibits we've been working with,	
18		from about midsummer of 2006 to July of '07.	
19		Did you have any occasion to go to her home during	
20		that period?	
21	A	Oh, I'm sure that I did go to her home in that period.	
22	Q	And during that period, what was the condition of her	
23		home like?	
24	A	Very Dana.	
25	Q	Explain what you mean by that.	

1	A	Exactly where Dana wanted everything. If I went through
2		and made a suggestion about something, she said, "I told
3		
		people not to move it. I'll take care of it later."
4	Q	There's been some testimony that there was rotten food in
5		her home. Did you ever experience or see that?
6	A	I saw dirty dishes that she told me not to clean.
7	Q	There's also been testimony that there was vomit dried
8		vomit in the home. Did you ever have an occasion to see
9		that?
10	A	I don't remember dry vomit. Again, I go back to what
11		Dana would allow or wouldn't allow.
12	Q	So staff allow me to just try to understand what
13		you're saying. They've got a responsibility staff
14		have a responsibility to clean the house, but only to the
15		extent that she allows? Is that what I understand you to
16		be saying?
17		MR. LA PORTE: Objection.
18		You may answer.
19		THE WITNESS: To the extent that Dana
20		would allow you to clean, staff would be prepared,
21		including myself, to go and help her. But when Dana
22		looks at you and says, "Don't touch my dishes, don't mess
23		with my stuff, I don't want you to do that, and if you
24		do, I will do X, Y, Z," whatever it was, you're probably
25		going to leave the dishes alone.